



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/749,657 | 12/28/2000 | Tetsuya Takamori | Q62442 | 8723 |

7590 06/30/2005

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,657

Applicant(s)

TAKAMORI ET AL.

Examiner

Stephen M. Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 22 is/are allowed.
6) ☒ Claim(s) 1,8 and 13-21 is/are rejected.
7) ☒ Claim(s) 2-7 and 9-12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/28/00.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 8, & 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wafler.

Re claim 1, Wafler discloses (Figure 6; column 6, line 37 - column 7, line 53) an image processing device with an image obtaining section ("Scan Known Original") for obtaining an image to be processed, an initial image processing condition determination section (first "Adjust Scanner Parameters to Appropriate I/O Function") for setting an initial image processing condition, and an image processing condition determination section (second "Are Values Same?" and "Adjust Scanner Parameters to Appropriate I/O Function") for determining a new image processing condition with a desired deviation from the initial image processing condition in accordance with the result of applying the initial image processing condition and setting the new image processing condition accordingly. The final resulting image processing condition is set up as a final device calibration.

Re claim 8, the operation of the Wafler system a plurality times upon a plurality of initial images will inherently produce

Art Unit: 2624

a plurality of image processing conditions (one for each image operated upon).

Re claim 13, Wafler further discloses (column 5, lines 12-32) that the image processing operation is carried out by a computer system (which must inherently follow a set of instructions containing the above described elements in order for the Wafler device to function as disclosed).

Re claims 14-15 & 18-19, Wafler further discloses (column 7, lines 2-7) automatic operation of these steps (i.e. the recited "auto set up" option), which results in the automatic computation of optimum (corresponding to "the amount of correction or adjustment needed") parameters for the initial image processing condition.

Re claims 16-17 & 20-21, Wafler further discloses (column 7, lines 3-7) the option of notifying an operator of the type and amount of adjustments to be performed (which inherently requires an output for providing this information in a form understandable to the operator).

Allowable Subject Matter

3. Claims 2-7 & 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2624

4. Claim 22 is allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 2 & 22 (and dependent claims 3-4, 6, & 9-11), the art of record does not teach or suggest the recited association defining arrangement for defining an association between a first parameter and a plurality of sorts of second parameters defining image processing condition deviations.

Re claim 5, the art of record does not teach or suggest the recited storage of image processing condition deviation values.

Re claims 7 & 12, the art of record does not teach or suggest the recited display of a handler for a image processing condition deviation adjustment.

Response to Arguments

6. Applicant's arguments filed 3/23/05 have been fully considered but they are not persuasive.

Re claim 1, Applicant argues (3/23/05 Response: page 15, lines 9-17) that the "scanned known original" is not subjected to an "image processing", but rather is "merely compared with the known original in order to calibrate a scanner".

However, this comparison process inherently involves accessing the image data and performing calculations based on

Art Unit: 2624

it, and is thus readable upon a (not further specified) "processing" operation.

Re claim 1, Applicant further argues (3/23/05 Response: page 15, line 18 - page 16, line 14) that the recited "initial image processing condition determining section for determining an initial image processing condition in accordance with the image obtained by said image obtaining section" and the recited "image processing condition determining section for determining in accordance with an operation an image processing condition having a desired deviation from the initial image processing condition determined by the initial image processing condition determination section" correspond to the same element of Wafler in Examiner's reading, and that Wafler thus fails to include both recitations.

However, the former element is read on the means for carrying out the scanner adjustment derived from a comparison of the "known original values" with the "image signal" derived from scanning the "known original", and the latter element is read on the means for carrying out the scanner adjustment derived from a comparison of the "known test print values" with the "image signal" derived from scanning the "hard copy of known test print". Thus, each includes at least one means element not found in the other (the known original is part of the former and not

Art Unit: 2624

the latter; the hard copy of the known test print is part of the latter and not the former).

Re claim 1, Applicant further argues (3/23/05 Response: page 16, line 15 - page 17, line 7) that Wafler does not teach the recited "image processing condition setting section for setting up the image processing condition determined by said image processing condition determining section".

As noted above, the second "Adjust Scanner Parameters to Appropriate I/O Function" element in Wafler Figure 6 sets the image processing condition to the image processing condition having a desired deviation from the initial image processing condition.

Re claim 13, Applicant argues (3/23/05 Response: page 17, lines 9-10) that claim 13 recites elements similar to claim 1 and is patentable for the same reasons.

These arguments re claim 1 have been addressed above.

Re claim 8, Applicant argues (3/23/05 Response: page 17, line 12 - page 18, line 2) that multiple operations of the Wafler arrangement would not produce a plurality of images based on "the image processing condition" but rather would produce separate non-related image processings.

However, the first "image processing condition" is based on the "store known original image values in memory" and "scan

Art Unit: 2624

known original" steps of Wafler (Figure 6). Multiple operations of the steps shown in Wafler Figure 6 would begin with this (same) "image processing condition", and then produce mutually different deviations resulting from the individual variations of the "hard copy of known test print" produced by the printer.

Re claims 2-7, 9-12, & 14-21, Applicant argues (3/23/05 Response: page 17, lines 5-9 & 14-16) that these claims are allowable for the same reasons as parent claims 1 & 13.

These arguments re claims 1 & 13 have been addressed above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

Art Unit: 2624

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich
Examiner
Art Unit 2624

smb 
June 13, 2005



THOMAS D.
~~LEE~~ LEE
PRIMARY EXAMINER